

ARTICLE 67-22

CORRECTIVE ACTIONS AND SANCTIONS

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Section
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67-22-01-01. Corrective actions and sanctions. A school district or organization must comply with all education standards from state and federal law. If the school district or organization violates any of the areas and does not take the necessary corrective actions to remedy the violation, the department will impose sanctions. Examples of noncompliance for a school district and organization include:

1. Failure to meet school state approval standards as set out in North Dakota Century Code sections 15-41-24, 15-41-25, 15.1-06-04, and 15.1-06-09.
2. Failure to meet state school accreditation standards as set out in North Dakota Century Code section 15.1-02-11.
3. Nonpayment of tuition as set out in North Dakota Century Code sections 15-40.2-04 and 15-40.2-05 and subsection 5 of North Dakota Century Code section 15-40.2-08.
4. Failure to file reports as set out in subsections 4 and 5 of North Dakota Century Code section 15-40.1-06.
5. Failure to comply with federal and general program requirements, applicable grant award requirements whether by inference or reference to education, federal statutes in relation to education, or regulations or assurances required for education.

History: Effective February 1, 2000.

General Authority: NDCC 15-34.1-03, 15-59-05, 15.1-02-11

Law Implemented: NDCC 15-34.1-03, 15-59-05, 15.1-02-11; 20 USC 1400 et seq.

67-22-01-02. Preliminary corrective procedures. When a school district or organization violates one or more provisions applicable to education listed in section 67-22-01-01, the following procedures must be implemented:

1. The department shall notify the local board of education under North Dakota Century Code section 15-29-08, or other governing board, in writing of the violation, with a copy to the school district or organization administrator. The notification must include:
 - a. A description of the violation;
 - b. Corrective actions required by the school or organization to correct the violation; and
 - c. Timelines for completing the corrective actions;
2. If a plan for resolution is not agreed to within the time period specified in the notice or within thirty days of the notification date, the superintendent, the department director of fiscal management, and the department director of school finance and organization must be notified;
3. Department staff shall further communicate with the local board of education or other governing board and school district or organization administration via telephone, letter, or personal meeting to resolve the issues; and
4. If issues are still not resolved and the school district or organization does not complete the required corrective actions, appropriate sanctions must be imposed until the school district or organization completes the corrective actions.

History: Effective February 1, 2000.

General Authority: NDCC 15-34.1-03, 15-59-05, 15.1-02-11

Law Implemented: NDCC 15-34.1-03, 15-59-05, 15.1-02-11; 20 USC 1400 et seq.

67-22-01-03. Reconsideration of corrective actions and sanctions. The school district or organization may request reconsideration of the violation claim if reconsideration is allowed only by statute or rules. The reconsideration process includes the following steps:

1. The request for reconsideration must be made in writing to the superintendent within thirty days of the date of the department's notice of noncompliance.
2. Sanctions specified in the department's original notice must be effective as identified in the notice.
3. Upon receipt of the reconsideration, the superintendent shall consider the extent that the sanctions specified in the original notice to the school district and organization will be adjusted, if any.

4. Reconsideration of an accreditation issue must be made by May first and must be forwarded to the state accreditation committee.
5. The committee must forward its recommendation regarding reconsideration to the superintendent by June fifteenth.
6. Any final decision must be issued by the superintendent within fifteen days of the request for reconsideration.
7. If the final decision involves the issue of accreditation, the final decision must be issued by June thirtieth.

History: Effective February 1, 2000.

General Authority: NDCC 15-34.1-03, 15-59-05, 15.1-02-11

Law Implemented: NDCC 15-34.1-03, 15-59-05, 15.1-02-11; 20 USC 1400 et seq.